

ASSEMBLY BILL

No. 1784

Introduced by Assembly Member Quirk

February 18, 2014

An act to amend Section 5342 of the Food and Agricultural Code, and to amend Sections 14572 and 14595.5 of the Public Resources Code, relating to beverage containers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1784, as introduced, Quirk. Beverage containers: enforcement.

(1) The existing California Beverage Container Recycling and Litter Reduction Act requires certified recycling centers, when accepting an empty beverage container from a consumer, to pay the refund value. A violation of the act is a crime.

This bill would prohibit a certified recycling center from accepting or paying a refund value to a consumer for more than 50 pounds of empty beverage containers submitted by that consumer to the certified recycling center during a single 24-hour period. Since a violation of this requirement would be a crime, the bill would impose a state-mandated local program.

(2) The act prohibits any person from paying, claiming, or receiving any refund value or other specified payments of fees for imported beverage container material, previously redeemed containers, rejected containers, line breakage, or other ineligible material, or, with intent to defraud, taking specified actions with regard to redeeming ineligible containers.

This bill would require the department, when implementing these prohibitions, to consider proximity to the state border when assigning employees to the department's audits of redemption centers.

(3) Existing law requires a vehicle entering the state that contains more than 25 pounds of empty beverage container material to pass through the nearest plant quarantine inspection station and obtain proof of inspection from the Department of Resources Recycling and Recovery. The department is authorized to enter into an interagency agreement with the Department of Food and Agriculture to implement this requirement. Existing law authorizes plant quarantine officers at plant quarantine inspection stations to, among other things, ascertain the origin, quantity, and kinds of meat and meat products, poultry and poultry products, eggs, and livestock transported into or out of this state through the station.

This bill would require the plant quarantine officers at plant quarantine inspection stations to ascertain the origin and quantity of high volumes of empty beverage containers transported by vehicles entering the state.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5342 of the Food and Agricultural Code
2 is amended to read:
3 5342. (a) (1) Plant quarantine officers at plant quarantine
4 inspection stations may ascertain the origin, quantity, and kinds
5 of meat and meat products, poultry and poultry products, eggs,
6 and livestock transported into or out of this state through the
7 stations. The operator of ~~any~~ a vehicle ~~which~~ that is transporting
8 ~~any such commodity~~ one of these commodities into or out of the
9 state through ~~any~~ a plant quarantine inspection station shall stop
10 and give this information upon request to a plant quarantine officer
11 at the plant quarantine inspection station. ~~Such~~ The request may
12 be by a sign which is openly displayed at the station or by any
13 other means which is deemed by the director as effective.
14 ~~The~~
15 (2) The director may accept, on behalf of the state, donations
16 of money from any person to defray the costs of the department

under this ~~section subdivision~~. ~~Any such~~ That money shall be paid into the State Treasury and credited to the Department of Agriculture Fund. The director may limit expenditures under this ~~section subdivision~~ relating to livestock to the amounts so donated for this purpose, and shall limit expenditures under this section relating to poultry and poultry products and eggs to the amounts so donated for this purpose.

(b) *Plant quarantine officers at plant quarantine inspection stations shall ascertain the origin and quantity of high volumes of empty beverage containers transported by vehicles entering the state for purposes of determining compliance with Section 14596 of the Public Resources Code.*

SEC. 2. Section 14572 of the Public Resources Code is amended to read:

14572. (a) (1) Except as provided in ~~subdivision (b) subdivisions (b) and (e)~~, a certified recycling center shall accept from any consumer or dropoff or collection program any empty beverage container, and shall pay to the consumer or dropoff or collection program the refund value of the beverage container.

(2) Except as provided in paragraph (3), the recycling center may pay the refund value based on the weight of returned containers.

(3) On and after September 1, 2013, for beverage containers redeemed by consumers, a certified recycling center shall pay the refund value using the applicable segregated rate, as defined in paragraph (43) of subsection (a) of Section 2000 of Title 14 of the California Code of Regulations, as that section read on September 1, 2013, which shall be based on the weight of the redeemed beverage containers.

(b) Any recycling center or processor that was in existence on January 1, 1986, and that refused, as of January 1, 1986, to accept at a particular location a certain type of empty beverage container may continue to refuse to accept at the location the type or types of empty beverage containers that the recycling center or processor refused to accept as of January 1, 1986. A certified recycling center that refuses, pursuant to this subdivision, to accept a certain type or types of empty beverage containers is not eligible to receive handling fees unless the center agrees to accept all types of empty beverage containers and is a supermarket site. This subdivision does not preclude the certified recycling center from receiving a

1 handling fee for beverage containers redeemed at supermarket
2 sites that do accept all types of containers.

3 (c) The department shall develop procedures by which recycling
4 centers and processors that meet the criteria of subdivision (b) may
5 recertify to change the material types accepted.

6 (d) (1) Only a certified recycling center may pay the refund
7 value to consumers or dropoff or collection programs. A person
8 shall not pay a noncertified recycler for empty beverage containers
9 an amount that exceeds the current scrap value for each container
10 type, which shall be determined in the following manner:

11 (A) For a plastic or glass beverage container, the current scrap
12 value shall be determined by the department.

13 (B) For an aluminum beverage container, the current scrap value
14 shall be not greater than the amount paid to the processor for that
15 aluminum beverage container, on the date the container was
16 purchased, by the location of end use, as defined in the regulations
17 of the department.

18 (2) A person shall not receive or retain, for empty beverage
19 containers that come from out of state, any refund values,
20 processing payments, or administrative fees for which a claim is
21 made to the department against the fund.

22 (3) Paragraph (1) does not affect curbside programs under
23 contract with cities or counties.

24 (e) *A certified recycling center shall not accept or pay a refund*
25 *value to a consumer for more than 50 pounds of empty beverage*
26 *containers submitted by that consumer to the certified recycling*
27 *center during a single 24-hour period.*

28 SEC. 3. Section 14595.5 of the Public Resources Code is
29 amended to read:

30 14595.5. (a) (1) ~~No~~ A person shall *not* pay, claim, or receive
31 ~~any~~ a refund value, processing payment, handling fee, or
32 administrative fee for any of the following:

33 (A) Beverage container material that the person knew, or should
34 have known, was imported from out of state.

35 (B) A previously redeemed container, rejected container, line
36 breakage, or other ineligible material.

37 (2) ~~No~~ A person shall *not*, with intent to defraud, do any of the
38 following:

1 (A) Redeem or attempt to redeem an out-of-state container,
2 rejected container, line breakage, previously redeemed container,
3 or other ineligible material.

4 (B) Return a previously redeemed container to the marketplace
5 for redemption.

6 (C) Bring an out-of-state container, rejected container, line
7 breakage, or other ineligible material to the marketplace for
8 redemption.

9 (D) Receive, store, transport, distribute, or otherwise facilitate
10 or aid in the redemption of a previously redeemed container,
11 out-of-state container, rejected container, line breakage, or other
12 ineligible material.

13 (b) For purposes of implementing subdivision (a), the
14 department shall ~~take all reasonable~~ *do both of the following*:

15 (1) *Consider proximity to the state's border when assigning*
16 *employees to the department's audits of redemption centers.*

17 (2) *Take all reasonable* steps to exclude beverage container
18 material imported from out of state, previously redeemed
19 containers, rejected containers, and line breakage, when conducting
20 surveys to determine a commingled rate pursuant to Section
21 14549.5.

22 SEC. 4. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.